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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,757	12/29/2000	Shmuel Shaffer	062891.0418	5060

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CHOW, MING

ART UNIT	PAPER NUMBER
2645	11

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/751,757	SHAFFER ET AL.	
	Examiner	Art Unit	
	Ming Chow	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-42 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 6, 11-15, 19, 24-28, 32, 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al (US: 5600710), and in view of Malik (US: 6301349).

For claims 1, 2, 12-15, 25-28, 38, 39, regarding “receiving....messaging system”, Weisser et al teach on column 9 line 24-29 a caller attempts to reach (read on claimed “receiving....a request”) an “Advertise-on-Busy” subscriber. Weisser et al teach on column 14-17 service control point (SCP) and service node. The combination the SCP and service node is the claimed “access controller”.

Weisser et al failed to teach “a messaging system”. However, Malik teaches on item 25 Fig. 4 a called number is a VMS (claimed messaging system”) connecting to a SSP.

Regarding “determining....if the messaging is available, establishing a telecommunications connection between the user and the messaging system”, Weisser et al teach on column 9 line 4-6 if the called number is not busy the call is connected.

Regarding “if the messaging system is not available....queuing the request....maintaining a telecommunications connection....is queued”, Weisser et al teach on

column 9 line 13-41 when the called number is busy the call is queued in the SCP and the connection is maintained with the service node for playing an advertisement.

Regarding claims 6, 19, 32, the calling number must be determined at the SCP (claimed “access controller”) for call connection and determining the priority (see column 8 line 4-7).

Regarding claims 11, 24, 37, Weisser et al teach on column 11 line 14-15 first-in-first-out basis.

2. Claims 3, 16, 29, and 4, 17, 30, and 5, 18, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al as applied to claim 1 above, and in view of Malik (US: 6519333; hereafter, Malik-333).

Weisser et al teach on column 8 line 4-7 queuing a call based on the priority associated with the calling number.

Weisser et al failed to teach “determining a class of service.....queuing.....CoS”. However, Malik-333 teaches on column 4 line 47 to column 6 line 33 determining a CoS and routing a call based on the CoS.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al to have the “determining a class of service.....queuing.....CoS” as taught by Malik-333 such that the modified system of Weisser et al would be able to support the CoS for queuing to the system users.

3. Claims 7, 8, 20, 21, 33, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al as applied to claim 3 above, and in view of Malik, Malik-333, Garland et al (US: 6493445).

Regarding claims 7, 20, 33, Weisser et al in view of Malik, Malik-333 as stated in claim 3 above failed to teach the “CoS includes a priority associated with a called party”. However, Garland et al teach on column 4 line 6-7 class of service of the called party. It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Malik-333 to have the “CoS includes a priority associated with a called party” as taught by Garland et al such that the modified system of Weisser et al, Malik, Malik-333 would be able to support the called party’s priority to the system users.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Malik-333 to have “CoS includes a priority associated with a called party” as taught by Garland et al such that the modified system of Weisser et al, Malik, Malik-333 would be able to support the CoS includes called party priority to the system users.

Regarding claims 8, 21, 34, Weisser et al in view of Malik, Malik-333, Garland et al as stated in claim 7 above failed to teach “the priority....the called party”. However, Malik-333 teaches on column 5 line 5-8 CoS includes called party number.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Malik-333, Garland et al to have the “the priority....the called party” as taught by Malik-333 such that the modified system of Weisser et al, Malik, Malik-333, Garland et al would be able to support the CoS includes called party number to the system users.

4. Claims 9, 10, 22, 23, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al as applied to claim 3 above, and in view of Malik, Malik-333, Chauvel et al (US: 6412048).

Regarding Claims 9, 22, 35, Weisser et al in view of Malik, Malik-333 as stated in claim 3 above failed to teach “the CoS.....for connection”. However, Chauvel et al teach on column 15 line 20-39 priority based on type of request.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Malik-333 to have the “the CoS.....for connection” as taught by Chauvel et al such that the modified system of Weisser et al, Malik, Malik-333 would be able to support the priority associated with the type of request to the system users.

Regarding claims 10, 23, 36, Weisser et al in view of Malik, Malik-333, Chauvel et al as stated in claim 9 above failed to teach “the type of.....leave a message”. However, Malik teaches on Abstract – a call is forwarded by the telecommunication system (reads on claimed “internal network request”) to a voice mail service for leaving a message.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Malik-333, Chauvel et al to have the “the type of.....leave a message” as taught by Malik such that the modified system of Weisser et al, Malik, Malik-333, Chauvel et al would be able to support the internal network request to the system users.

5. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al, and in view of Malik, Pandharipande (US: 6529500).

The rejections for claims 1 and 2 as stated above apply.

Weisser et al in view of Malik failed to teach authenticating the user for access. However, Pandharipande teaches on column 1 line 16-19 a password (reads on the claimed “authenticating”) is required for accessing the voicemail.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al in view of Malik to have the authenticating the user for access as taught by Pandharipande such that the modified system of Weisser et al, Malik would be able to support the authenticating to the system users.

6. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al as stated in claim 40 above, and in view of Malik, Pandharipande, Malik-333.

Weisser et al teach on column 8 line 4-7 queuing a call based on the priority associated with the calling number.

Weisser et al in view of Malik, Pandharipande failed to teach “queuing the request based on a class of service (CoS) for the connection”. However, Malik-333 teaches on column 4 line 47 to column 6 line 33 determining a CoS and routing a call based on the CoS.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Pandharipande to have the “queuing the request based on a class of service (CoS) for the connection” as taught by Malik-333 such that the modified system of Weisser et al, Malik, Pandharipande would be able to support the CoS queuing to the system users.

7. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al as stated in claim 40 above, and in view of Malik, Pandharipande, Sawyer et al (US: 6324271).

Weisser et al in view of Malik, Pandharipande as stated in claim 40 above failed to teach “transferring a login token.....messaging system”. However, Sawyer et al teach on column 2 line 12-16 performing authentication of a caller and then sending the authentication information (claimed “login token”) to the terminating set.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Pandharipande to have the “transferring a login token.....messaging system” as taught by Sawyer et al such that the modified system of Weisser, Malik, Pandharipande would be able to support the transferring a login token to the system users.

Response to Arguments

8. Applicant's arguments filed on 12/23/03 have been fully considered.

i) New grounds of rejections relative to the amendments have been stated above.

Conclusion

9. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Dans (US: 6195417) teaches automated system for accessing speech-based information.

10. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to TC2600's Customer Service FAX Number 703-872-9314.

Patent Examiner

Art Unit 2645

Ming Chow



FAN TSANG
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